



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Larry Carr, Mayor Pro Tempore
Hedy L. Chang, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, OCTOBER 16, 2002

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:30 P.M.

*A Special Meeting Is Called at 6:30 P.M. for the Purpose of
Conducting Closed Sessions.*

Mayor Pro Tempore/Agency Member Carr

CALL TO ORDER

(Mayor Pro Tempore/Agency Member Carr)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:30 P.M.

City Council Action and Redevelopment Agency Action

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of
Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner,
special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORT

Mayor Pro Tempore Carr

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

Finance & Audit Committee

Report from City Treasurer

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE DEPUTY CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1 - 20 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

- 1) **SEPTEMBER 2002 FINANCE AND INVESTMENT REPORT** 1
Recommended Action(s): Accept and File Report.
- 2) **AMENDMENT TO SUBDIVISION IMPROVEMENT AGREEMENT - ALCINI PARTNERSHIP** 2
Recommended Action(s): Approve Amendment to Subdivision Improvement Agreement.
- 3) **AGREEMENT WITH THE STROMBOTNE LAW FIRM** 17
Recommended Action(s): Authorize the City Manager to Execute the Consultant Agreement with the Strombotne Law Firm.
- 4) **APPROPRIATION OF FUNDS FOR BUTTERFIELD BOULEVARD SEWER TRUNK, BETWEEN
MAIN AVENUE AND SAN PEDRO AVENUE** 35
Recommended Action(s):
 1. Appropriate \$530,000 from the Unappropriated Sewer Impact Fee Fund (641) to Construct the Butterfield Sewer Trunk, between Main and San Pedro Avenues; and
 2. Direct Staff to Prepare Plans and Specifications for Public Bidding.
- 5) **AMEND PROFESSIONAL SERVICES CONTRACT FOR TRAFFIC SIGNAL DESIGN AT THE
TENNANT AVENUE NORTHBOUND 101 OFF-RAMP INTERSECTION** 39
Recommended Action(s): Authorize the City Manager to Execute an Amendment to the Existing Professional Services Agreement with Higgins Associates for Traffic Signal Design Services for the Tennant Avenue Northbound 101 off-ramp Intersection in the Amount of \$7,266, Subject to City Attorney Review and Approval. The Total Amended Professional Services Agreement Shall Not Exceed \$42,266.
- 6) **FINAL MAP ACCEPTANCE FOR MISSION RANCH PH. V (TRACT 9423)** 41
Recommended Action(s):
 1. Approve the Final Map, Subdivision Agreement and Improvement Plans;
 2. Authorize the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City;

	and	
3.	<u>Authorize</u> the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	
7)	<u>APPROVE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND ANNUAL GOAL</u>	53
	<u>Recommended Action(s):</u>	
1.	<u>Approve</u> the City's Disadvantaged Business Enterprise (DBE) Program and Annual Overall DBE Goal of 6.7% for the Federal Fiscal Year 2002/2003, Beginning on October 1, 2002 and Ending on September 20, 2003; and	
2.	<u>Authorize</u> the City Manager, by Adoption of the Council Report, to Sign the Final DBE Program and Submit It to Caltrans on Behalf of the City.	
8)	<u>AMEND PROFESSIONAL SERVICES CONTRACT WITH KORVE ENGINEERING FOR TECHNICAL SUPPORT FOR FUTURE MADRONE PARKWAY RAIL CROSSING</u>	55
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute an Amendment to the Existing Professional Services Agreement with Kolve Engineering for Technical Support for the Future Madrone Parkway Rail Crossing, in an Amount Not to Exceed \$16,000, Subject to City Attorney Review and Approval.	
9)	<u>FINAL MAP ACCEPTANCE FOR COYOTE ESTATES PHASE VI (TRACT 9400)</u>	59
	<u>Recommended Action(s):</u>	
1.	<u>Approve</u> the Final Map, Subdivision Agreement and Improvement Plans;	
2.	<u>Authorize</u> the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and	
3.	<u>Authorize</u> the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	
10)	<u>COMMUNITY AND CULTURAL CENTER PROJECT SEPTEMBER CONSTRUCTION PROGRESS REPORT</u>	71
	<u>Recommended Action(s):</u> <u>Information Only.</u>	
11)	<u>SUBDIVISION APPLICATION SD 02-05: SUNNYSIDE-QUAIL CREEK</u>	79
	<u>Recommended Action(s):</u> <u>Take No Action</u> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	
12)	<u>MEETING START TIMES FOR CITY COUNCIL, REDEVELOPMENT AGENCY AND FINANCE & AUDIT COMMITTEE</u>	103
	<u>Recommended Action(s):</u> <u>Direct</u> the City Clerk to Amend Council Policy 97-01, Section 5.1D and E as Recommended by Mayor Kennedy.	
13)	<u>REQUEST FROM THE MORGAN HILL COMMUNITY HEALTH FOUNDATION (MHCHF) FOR THE APPROVAL OF THE MORGAN HILL COMMUNITY ADVISORY BOARD (MHCAB) OF SAINT LOUISE REGIONAL HOSPITAL</u>	109
	<u>Recommended Action(s):</u> <u>Approval</u> of MHCHF's Request for the Establishment of the MHCAB of Saint Louise Regional Hospital.	
14)	<u>APPROVE MINUTES FOR JOINT SPECIAL CITY COUNCIL AND GRAND OPENING COMMITTEE MEETING OF SEPTEMBER 12, 2002</u>	117
15)	<u>APPROVE MINUTES FOR JOINT SPECIAL CITY COUNCIL AND GRAND OPENING COMMITTEE MEETING OF SEPTEMBER 13, 2002</u>	119
16)	<u>APPROVE MINUTES FOR JOINT SPECIAL CITY COUNCIL, ARCHITECTURAL & SITE REVIEW BOARD, BICYCLE & TRAILS ADVISORY COMMITTEE, LIBRARY COMMISSION,</u>	

	<u>CORPORATION YARD COMMISSION, PERSONNEL COMMISSION, PARKS & RECREATION COMMISSION, PLANNING COMMISSION, SENIOR ADVISORY COMMITTEE AND YOUTH ADVISORY COMMITTEE MINUTES OF SEPTEMBER 21, 2002</u>	121
17)	<u>APPROVE MINUTES FOR SPECIAL CITY COUNCIL MEETING OF SEPTEMBER 25, 2002</u>	127
18)	<u>APPROVE MINUTES FOR SPECIAL CITY COUNCIL MEETING OF SEPTEMBER 25, 2002</u>	131
19)	<u>APPROVE MINUTES FOR SPECIAL CITY COUNCIL AND GRAND OPENING COMMITTEE MEETING OF SEPTEMBER 26, 2002</u>	133
20)	<u>APPROVE MINUTES FOR JOINT SPECIAL CITY COUNCIL AND GRAND OPENING COMMITTEE MEETING OF OCTOBER 10, 2002</u>	135

CONSENT CALENDAR:

ITEMS 21 - 24 CONFLICT OF INTEREST/ABSTENTION

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
21)	<u>AWARD CONTRACT FOR CONSTRUCTION OF THE WELL ABANDONMENT PROJECT</u>	137
	<u>Recommended Action(s): Award</u> Contract to Maggiora Bros. Drilling, Inc. for Construction of the Well Abandonment Project in the Amount of \$31,175.	
22)	<u>APPROVE MINUTES FOR SPECIAL CITY COUNCIL MEETING OF SEPTEMBER 22, 2002</u>	143
23)	<u>APPROVE MINUTES FOR SPECIAL CITY COUNCIL MEETING OF SEPTEMBER 23, 2002</u>	145
24)	<u>APPROVE MINUTES FOR SPECIAL CITY COUNCIL MEETING OF OCTOBER 2, 2002</u>	147

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 25

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
25)	<u>APPROVE MINUTES FOR JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING OF SEPTEMBER 25, 2002</u>	149

CONSENT CALENDAR:

ITEMS 26 ABSTENTION

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
26)	<u>APPROVE MINUTES FOR JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF OCTOBER 2, 2002</u>	165

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 27 - 28

	Time Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
27)		<u>ACCEPT DONATED UTILITY VEHICLE FOR THE COMMUNITY AND CULTURAL CENTER</u> . . .	185
		<u>Recommended Action(s):</u> <u>Accept</u> the Donation of an Electric Utility Vehicle from Global Electric Motors for Use at the Community and Cultural Center.	
28)		<u>MORGAN HILL PLAZA RE-USE STRATEGY (CONLEY CONSULTING GROUP)</u>	193
		<u>Recommended Action(s):</u> <u>Authorize</u> the Executive Director to Execute a Contract with Conley Consulting Group for the Morgan Hill Plaza Re-use Strategy, in an Amount Not to Exceed \$46,220, Conditioned Upon the Approval of Agency Special Counsel.	

City Council and Redevelopment Agency Action

PUBLIC HEARINGS:

	Time Estimate		Page
29)	4 minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DA 02-04: SUNNYSIDE-QUAIL CREEK</u>	209
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance 1585, New Series.	
		<u>Motion to Introduce</u> Ordinance 1585, New Series by Title Only. (Roll Call Vote)	
30)	20 minutes	<u>GENERAL PLAN AMENDMENT APPLICATION, GPA 02-02: WATSONVILLE-CITY OF MORGAN HILL RDA & ZONING AMENDMENT APPLICATION ZA-02-06: WATSONVILLE-CITY OF MORGAN HILL RDA</u>	235
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action- <u>Motion to Approve</u> Mitigated Negative Declaration.	
		Action- <u>Motion to Adopt</u> Resolution No. 5617.	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance 1586, New Series.	
		<u>Motion to Introduce</u> Ordinance 1586, New Series by Title Only. (Roll Call Vote)	
31)	5 minutes	<u>OSR-02-02: MANZANITA-MCLAREN</u>	253
		Public Hearing Opened.	

Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.
Council Discussion.
Action- Motion to Adopt Resolution No. 5618.

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
32)	20 minutes	<u>STATUS REPORT ON MEDICAL SERVICES</u>	265
		<u>Recommended Action(s): Information Only.</u>	
33)	15 minutes	<u>NOTICE OF PREPARATION FOR THE PROPOSED SANTA CLARA COUNTY COURT FACILITIES</u>	271
		<u>Recommended Action(s):</u>	
		1) <u>Provide</u> Comment on the Environmental Issues That Would Need to be Addressed in the Draft EIR; and	
		2) <u>Direct</u> Staff to Forward City Comments on the Notice of Preparation to the County of Santa Clara GSA.	
34)	10 minutes	<u>ANALYSIS FOR ALLOWING LARGE GROUP ASSEMBLY FACILITIES IN UNINCORPORATED AREAS OF SANTA CLARA COUNTY</u>	279
		<u>Recommended Action(s): Direct</u> Staff to Forward City Comments on the Subject Report to the County Board of Supervisor's Housing, Land Use, Environment, and Transportation Committee.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT